

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16cv12**

EDWARD D. WRIGHT,)
)
Plaintiff,)
)
v.)
)
NANCY BERRYHILL, Acting)
Commissioner of Social Security,)
)
Defendant.)
)

ORDER

Pending before the Court is the Consent Motion for Attorney Fees [# 24].

Plaintiff moves the Court to award attorney's fees paid by the Commissioner of Social Security ("Commissioner") pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The Commissioner does not oppose the award of fees in this case. Upon a review of the record, the motion, and the relevant legal authority, the Court **GRANTS** the motion [# 24]. The Court **DIRECTS** the Commissioner to pay to Plaintiff the sum of \$5,000.00 in attorney fees. Such sum, however, shall first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and any remaining funds will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the

Treasury reports to the Commissioner that Plaintiff does not owe a debt to the United States, the Commissioner shall pay the awarded fees directly to Plaintiff's counsel pursuant to the Assignment of Equal Access to Justice Act Attorney Fees in the record. No additional petition pursuant to Section 2412(d) shall be filed in this case.

Signed: June 12, 2017

Dennis L. Howell
Dennis L. Howell
United States Magistrate Judge

